

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Takanori MAEDA et al.	)	
	)	
<b>Application No.: To be assigned</b>	)	<b>MS Patent Application</b>
<b>Divisional of Application No.: 09/739,646</b>	)	
<b>Filed on December 20, 2000</b>	)	Group Art Unit: 2655
	)	
Filed: July 23, 2003	)	Examiner: N. Hindi
	)	
For: VARIABLE OPTICAL ELEMENT, A	)	
PICKUP APPARATUS HAVING THE	)	
VARIABLE OPTICAL ELEMENT, AND	)	
AN INFORMATION RECORDING AND	)	
REPRODUCING APPARATUS HAVING	)	
THE PICKUP APPARATUS	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced divisional application, which is concurrently being filed herewith. The listed documents were previously cited and provided in copending parent Application No. 09/739,646, filed on December 20,

2000, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Thus, under 37 C.F.R. § 1.98(d), copies of the listed documents are not required to be provided.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO 1449 form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "Prior Art." If it should be determined that any of the listed documents do not constitute "Prior Art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

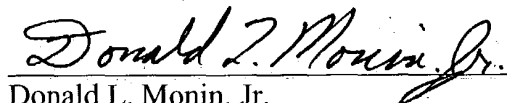
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Information Disclosure Statement, please charge the fee to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:



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Dated: July 23, 2003

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202-739-3000  
202-739-3001

<b>INFORMATION DISCLOSURE CITATION</b>  (Use several sheets if necessary)  PTO Form 1449				Attorney Docket No. 041514-5102-01		Divisional of Application No. 09/739,646			
				Applicant: Takanori MAEDA et al.				<b>PAGE 1 of 1</b>	
				Filing Date: July 23, 2003		Group Art Unit: 2655			

U.S. PATENT DOCUMENTS							
*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date	
	6,137,764	2/1996	Tsuchiya et al.	369	112.05		

FOREIGN PATENT DOCUMENTS							
Document Number	Date	Country	Class	Sub Class	Translation		
					YES	NO	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		

Examiner	Date Considered
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.